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# Roadblocks Fact Sheet

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The only justification for stopping citizens under a roadblock scenario is to warn them of an unseen peril that could cause injury or death to an unsuspecting motorist. So-called “sobriety check points,” or seat belt checks, or the myriad of other excuses the government concocts to harass and intimidate its citizens through the use of roadblocks are, in our opinion, unconstitutional and in direct contradiction to any honest definition of freedom.

A free and open society that champions individual liberty and personal responsibility---the kind of society we try to tell the world the USA represents, cannot condone the arbitrary stopping, interrogating, intimidation and searching of citizens whose only crime is to be peacefully traveling a public highway.

Roadblocks, as used in the United States, are designed and intended to use fear, intimidation, and inconvenience to expedite a government edict or a political agenda.

They have a net zero influence on public safety. But, even if there were a “safety benefit” related to roadblocks, it would not outweigh the negative totalitarian nature of this practice.

Currently, roadblocks are being used to circumvent the need for probable cause to stop, interrogate, and search the occupants of motor vehicles. The pretense might be a seatbelt check, registration or drivers license verification, proof of insurance, or a “safety” inspection. The short sighted court system has readily approved the practice of using a trumped up pretense to stop a vehicle to provide new opportunities to look for other violations of the law.

Given that it is virtually impossible to do anything in America without violating one or more laws, especially while driving, roadblocks give the police the opportunity to abuse any individual or group they chose to target.

## **Q. Are roadblocks legal?**

A. The US Supreme Court has found roadblocks to be legal for a variety of purposes, the most prominent being so-called “sobriety check points.” There is a longer history of roadblock approvals related to checking vehicles near or at national border crossings. However, many state courts take a less favorable view of roadblocks based on language in their respective state constitutions. Probably the best example of this is the Michigan case that went to the US Supreme Court, *Sitz vs. Michigan*, that established the legal precedent for DWI roadblocks. While the US Supreme Court found DWI roadblocks constitutional under the US Constitution, the case went back to Michigan and the State Supreme court found DWI roadblocks to be in violation of the state’s constitution, and that decision takes precedent, in Michigan, over the decision of the US Supreme Court.

## **Q. Do I have to answer the questions posed to me at a roadblock?**

A. You do not have to answer any questions, particularly questions that would be self-incriminating. You may be required (forced by threat of arrest) to show your drivers license, vehicle registration, and proof of insurance, if the state requires these items to be present in your vehicle. However, you cannot be compelled to explain your travel plans, divulge the contents of your vehicle, or in any other way converse with law enforcement officers operating a roadblock. You can be polite and courteous to the extent of providing the documents you are required to produce. Beyond that, decline to answer any other questions you are asked. In response to a potentially invasive question you can say something like; “Officer, I know you have your job to do, but I do not approve of roadblocks and I do not wish to have a conversation. I realize I can be required to show you my driver’s license. Would you like to see my drivers license?” End of discussion.

## **Q. Can they search my car?**

A. Your car can only be searched if you voluntarily give the police permission to search your vehicle, the police have a warrant to search your vehicle, or the police have “probable cause” or “reasonable suspicion” based on a reasonable explanation of why they believe you have illegal items in your vehicle. They must be able to explain what they think they will find and why they think said items are in your vehicle. If the police use their authority or force to search your vehicle, against your will, and they do not have a warrant or reasonable suspicion to conduct a search they can be (and should be) held criminally and civilly liable for conducting an illegal search. This holds true even if the search reveals the possession of illegal items.

## **Q. How long can they keep me at a roadblock?**

A. One of the consistent rationalizations for roadblocks is that they are minimally intrusive and minimally inconvenient to the motorist. For reasons that escape specific justification the courts seem to find 15 to 20 minutes the maximum amount of time a motorist can be detained by police before the police take formal action against the motorist or allow the motorist to leave. However, the courts have placed the burden of forcing the issue upon the motorist. If the motorist does not specifically request to leave, the police can successfully claim the motorist voluntarily remained under their control. Therefore, if the police seem inclined to delay your departure, after they have checked your papers, specifically ask if you may now leave. If they say “no” you are within your rights to ask for a legitimate explanation for your delay. If no legitimate explanation is forthcoming you should persist in asking if you may leave. There should be no confusion regarding your intentions and the fact that you are not willingly remaining within control of the police officers.

## **Q. Can I turn around or turn off to avoid a roadblock?**

A. In theory you are allowed to make any legal maneuver, even a U-turn to avoid a roadblock. In reality, the police operating roadblocks deliberately locate them so it is almost impossible to legally avoid them once you become aware of their presence. It is also common practice to hold a patrol car in reserve for the specific purpose of harassing motorists who overtly avoid a roadblock.